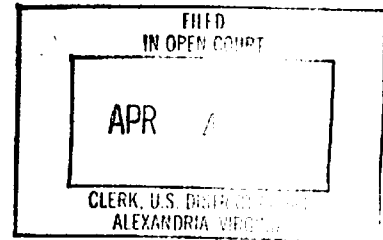


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:13-CR-137-JCC
)	
ROBERT MIKAIL,)	Count 1: 18 U.S.C. § 1349
(Counts 1 - 7))	(Conspiracy to Commit Bank Fraud)
)	
and)	Counts 2 - 7: 18 U.S.C. §§ 1344 & 2
)	(Bank Fraud)
GING-HWANG TSOA,)	
a/k/a "Felicia Tsoa,")	Forfeiture Notice
(Counts 1 - 3))	
)	
Defendants.)	

INDICTMENT

April 2013 Term - at Alexandria, Virginia

COUNT 1

(Conspiracy to Commit Bank Fraud)

THE GRAND JURY CHARGES THAT:

Unless otherwise noted, at all times material to this indictment:

I. BACKGROUND

1. The defendant ROBERT MIKAIL was a resident of Ashburn, Virginia, within the Eastern District of Virginia, and was the owner and operator of a retail jewelry store known as Opus Jewelry. Opus Jewelry was also located in Ashburn, Virginia.

2. The defendant GING-HWANG TSOA, also known as Felicia Tsoa, was a resident of Broadlands, Virginia, within the Eastern District of Virginia. TSOA was a loan

officer employed by First Empire Mortgage, in Fairfax, Virginia, and Lifetime Financial Services, in Herndon, Virginia, both within the Eastern District of Virginia.

3. Co-conspirator Bing-Sing D. Wang, also known as Cindy Wang, was the owner of Lifetime Financial Services.

4. A "straw buyer" was an individual who served as a nominal purchaser in real estate transactions and whose name and credit were used in fraudulent mortgage loan applications.

5. Straw buyer A.K. was a resident of Florida and was employed as a school cafeteria worker.

6. Straw buyer O.H. was a resident of Ashburn, Virginia, and was employed as a cook at a pizzeria.

II. THE CONSPIRACY

7. From in or about 2005 through at least in or about April 2007, within the Eastern District of Virginia and elsewhere, the defendants ROBERT MIKAIL and GING-HWANG TSOA did knowingly and intentionally combine, conspire, confederate, and agree among themselves and with others known and unknown to the Grand Jury to commit bank fraud; that is, to knowingly and intentionally execute, and attempt to execute, a scheme and artifice to defraud financial institutions, and to obtain any of the moneys and funds owned by them and under their custody and control, by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

III. PURPOSES OF THE CONSPIRACY

8. The primary purpose of the conspiracy was to defraud lenders into lending funds for home mortgages and to profit through fraudulent real estate transactions.

IV. MANNER AND MEANS OF THE CONSPIRACY

MIKAIL, TSOA, and their co-conspirators employed various manners and means in furtherance of the conspiracy and scheme to defraud, including but not limited to the following:

9. MIKAIL recruited straw buyers to serve as nominal purchasers in real estate transactions as part of a scheme to profit from fraudulently obtained mortgage loans and the purchase of residential real estate in northern Virginia. MIKAIL induced the straw buyers to participate by agreeing to handle all aspects of the transactions, including locating the properties, obtaining financing, closing the transactions, paying monthly mortgage payments, securing renters to occupy the properties, and ultimately selling the properties for a profit.

10. MIKAIL, TSOA, and their co-conspirators caused the straw buyers to submit to mortgage lenders, including financial institutions whose deposits were insured by the Federal Deposit Insurance Corporation, mortgage loan applications that contained materially false and misleading statements and material omissions. Many of these loan applications were processed by TSOA through First Empire Mortgage and Lifetime Financial Services.

11. The materially false and misleading statements contained in the mortgage applications included false statements as to the borrowers' supposed employment with Opus Jewelry, fake monthly incomes, and false statements as to their intent to occupy the premises as primary residences. The material omissions included incomplete disclosures of other real estate owned by the borrowers, including other properties purchased as part of the conspiracy and fraud scheme.

12. The conspirators created and caused to be created false, fraudulent, and misleading documents, including verifications of employment, verifications of rent, verifications

of deposit, and residential lease agreements, intended to corroborate the false information provided on the loan applications.

13. The conspirators profited from the fraudulently obtained loan proceeds in the form of commissions and other payments disbursed at closing. These included credits and other payments negotiated by MIKAIL and disbursed to him by the settlement agents at or around the time of the closings. The conspirators intended to further profit from the resale of the properties.

V. OVERT ACTS

In furtherance of the conspiracy and to effect its illegal objects, on or about the dates listed below, in the Eastern District of Virginia and elsewhere, MIKAIL, TSOA, and their co-conspirators committed the following overt acts, among others:

A. 21924 Windy Oaks Square, Ashburn, VA

14. On or about April 26, 2006, MIKAIL purchased a home located at 21924 Windy Oaks Square, Ashburn, Virginia, for \$550,000 in the name of straw buyer A.K. In order to complete the purchase, MIKAIL and TSOA caused the submission of a uniform residential loan application ("URLA") to lender Millennium Bank that falsely stated that A.K. was employed as a store manager at Opus Jewelry earning \$10,348 in monthly income and that A.K. intended to occupy the property as her primary residence.

15. In connection with the closing of the transaction, the settlement agent disbursed \$11,700 to MIKAIL on or about April 26, 2006, and \$4,550 to TSOA on or about May 4, 2006.

B. 44303 Suscon Square, Ashburn, VA

16. On or about April 26, 2006, MIKAIL purchased a home located at 44303 Suscon Square, Ashburn, Virginia, for \$451,500 in the name of straw buyer A.K. In order to complete the purchase, MIKAIL and TSOA caused the submission of a URLA to lender Wilmington

Finance that falsely stated that A.K. was employed as a store manager at Opus Jewelry earning \$9,968 in monthly income and that A.K. intended to occupy the property as her primary residence.

17. On or about April 27, 2006, in connection with the closing of the transaction, the settlement agent disbursed \$12,364.14 to MIKAIL.

C. 21896 Schenley Terrace, Ashburn, VA

18. On or about May 15, 2006, MIKAIL purchased a home located at 21896 Schenley Terrace, Ashburn, Virginia, for \$559,500 in the name of straw buyer A.K. In order to complete the purchase, MIKAIL and TSOA caused the submission of a URLA to lender JP Morgan Chase Bank that falsely stated that A.K. was employed as a region manager at Opus Jewelry earning \$14,305 in monthly income and that A.K. intended to occupy the property as her primary residence.

19. On or about May 19, 2006, in connection with the closing of the transaction, the settlement agent disbursed two payments to MIKAIL totaling \$46,911.07.

D. 20936 Cohasset Terrace, Ashburn, VA

20. On or about June 5, 2006, MIKAIL purchased a home located at 20936 Cohasset Terrace, Ashburn, Virginia, for \$549,900 in the name of straw buyer A.K. In order to complete the purchase, MIKAIL and TSOA caused the submission of a URLA to PHM Financial that falsely stated that A.K. was employed as a store manager at Opus Jewelry earning \$14,348 in monthly income and that A.K. intended to occupy the property as her primary residence.

21. On or about June 5, 2006, in connection with the closing of the transaction, the settlement agent disbursed \$3,042 to TSOA.

E. 2500 Terra Cotta Circle, Herndon, VA

22. On or about July 27, 2006, MIKAIL purchased a home located at 2500 Terra Cotta Circle, Herndon, Virginia, for \$535,000 in the name of straw buyer A.K. In order to complete the purchase, MIKAIL caused the submission of a URLA to lender First Mariner Bank that falsely stated that A.K. was employed as a regional retail sales manager at Opus Jewelry and that failed to disclose A.K.'s ownership of the 21924 Windy Oaks Square property and other residential properties.

23. On or about July 31, 2006, in connection with the closing of the transaction, the settlement agent disbursed \$20,800.35 to MIKAIL.

F. 44242 Suscon Square, Ashburn, VA

24. On or about March 5, 2007, MIKAIL purchased a home located at 44242 Suscon Square, Ashburn, Virginia, for \$370,000 in the name of straw buyer O.H. In order to complete the purchase, MIKAIL caused the submission of a URLA to lender Chase Bank USA that falsely stated that O.H. was employed as a retail sales manager at Opus Jewelry earning \$8,787.38 in monthly income and that O.H. intended to occupy the property as his primary residence.

G. 43137 Crosswind Terrace, Ashburn, VA

25. On or about March 20, 2007, MIKAIL purchased a home located at 43137 Crosswind Terrace, Ashburn, Virginia, for \$485,000 in the name of straw buyer O.H. In order to complete the purchase, MIKAIL caused the submission of a URLA to lender Washington Mutual Bank that falsely stated that O.H. was employed at Opus Jewelry earning \$42,632.62 in monthly income and that O.H. intended to occupy the property as his primary residence.

26. On or about March 20, 2007, MIKAIL provided \$10,134.33 in funds to the settlement agent to cover the cash due from O.H. at the closing of the purchase of the Crosswind Terrace property.

H. 21784 Ladyslipper Square, Ashburn, VA

27. On or about April 12, 2007, MIKAIL purchased a property located at 21784 Ladyslipper Square, Ashburn, Virginia, for \$510,000 in the name of straw buyer O.H. In order to complete the purchase, MIKAIL caused the submission of a URLA to lender IndyMac Bank that falsely stated that O.H. was employed as a district manager at Opus Jewelry earning \$17,000 in monthly income and that O.H. intended to occupy the property as his primary residence.

28. On or about April 2, 2007, as part of the loan approval process for O.H.'s purchase of the Ladyslipper Square property, MIKAIL completed and signed a form falsely verifying O.H.'s employment as a district manager at Opus Jewelry.

I. Other Properties

29. The conspirators committed similar overt acts with respect to transactions

involving other properties, including:

- a. 21886 Windover Road, Ashburn, VA;
- b. 43253 Sunderleigh Square, Ashburn, VA;
- c. 40421 Milford Drive, Ashburn, VA;
- d. 44264 Suscon Square, Ashburn, VA;
- e. 20980 Kittanning Lane, Ashburn, VA;
- f. 20984 Kittanning Lane, Ashburn, VA;
- g. 20921 Cohasset Terrace, Ashburn, VA;
- h. 44294 Acushnet Terrace, Ashburn, VA;
- i. 20967 Calais Terrace, Ashburn, VA;
- j. 21942 Windover Drive, Ashburn, VA;
- k. 44237 Sonora Lane, Leesburg, VA;
- l. 20936 Duryea Terrace, Ashburn, VA;
- m. 43134 Crosswind Terrace, Ashburn, VA;
- n. 44270 Acushnet Terrace, Ashburn, VA;
- o. 20974 Cohasset Terrace, Ashburn, VA;
- p. 21596 Iredell Terrace, Ashburn, VA;
- q. 2507 Terra Cotta Circle, Herndon, VA;
- r. 21929 Halburton Terrace, Ashburn, VA;
- s. 21440 Falling Rock Terrace, Ashburn, VA;
- t. 20969 Kittanning Lane, Ashburn, VA;
- u. 21930 Windy Oaks Square, Ashburn, VA;
- v. 21878 Schenley Terrace, Ashburn, VA;
- w. 13527 Stargazer Terrace, Centreville, VA;
- x. 42629 Cochrans Lock Drive, Ashburn, VA;
- y. 44304 Acushnet Terrace, Ashburn, VA;
- z. 43615 Picketts Corner Terrace, Ashburn, VA;
- aa. 21882 Schenley Terrace, Ashburn, VA; and,
- bb. 43066 Hunters Green Square, Ashburn, VA.

(In violation of Title 18, United States Code, Section 1349.)

COUNTS 2 – 7

(Bank Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. From in or about 2005 through at least in or about April 2007, within the Eastern District of Virginia and elsewhere, the defendants ROBERT MIKAIL and GING-HWANG TSOA did knowingly and intentionally execute, and attempt to execute, a scheme and artifice to defraud financial institutions with deposits insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by them and under their custody and control, by means of materially false and fraudulent pretenses, representations, and promises,
2. The scheme and artifice to defraud is set forth in paragraphs 1 – 6 and 9 – 29 of Count 1 of the indictment, which are realleged and incorporated by reference, as though fully set forth herein.
3. On or about the dates listed for each count below, in the Eastern District of Virginia and elsewhere, for the purpose of executing the aforementioned scheme and artifice, the defendants did knowingly submit and cause to be submitted mortgage loan applications containing materially false and fraudulent statements for loans on the identified properties to the specified financial institution lenders:

Count	Date	Defendants	Property	Financial Institution Lender
2	4/26/2006	MIKAIL TSOA	21924 Windy Oaks Square	Millennium Bank
3	5/15/2006	MIKAIL TSOA	21896 Schenley Terrace	JP Morgan Chase Bank
4	7/27/2006	MIKAIL	2500 Terra Cotta Circle	First Mariner Bank
5	3/5/2007	MIKAIL	44242 Suscon Square	Chase Bank USA

Count	Date	Defendants	Property	Financial Institution Lender
6	3/20/2007	MIKAIL	43137 Crosswind Terrace	Washington Mutual Bank
7	4/12/2007	MIKAIL	21784 Ladyslipper Square	IndyMac Bank

(In violation of Title 18, United States Code, Sections 1344 and 2.)

FORFEITURE NOTICE

1. Pursuant to Rule 32.2(a) Fed. R. Crim. P., defendants ROBERT MIKAIL and GING-HWANG TSOA are hereby notified that, if convicted of any of the offenses alleged in Counts 1 – 7 of the indictment, the defendants shall forfeit to the United States their interest in any property, real or personal, constituting or derived from proceeds obtained directly or indirectly as the result of the Count or Counts of conviction. Such forfeitable property includes a sum of money equal to at least \$19,866,150 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

2. If property subject to forfeiture cannot be located, the United States will seek an order forfeiting substitute property.

(In accordance with Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461.)

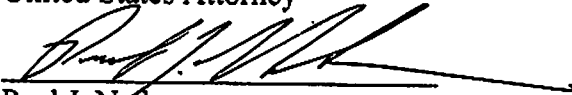
A TRUE BILL

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON OF THE GRAND JURY

Neil H. MacBride
United States Attorney

By:


Paul J. Nathanson
Assistant United States Attorney
Eastern District of Virginia
Counsel for the United States
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Phone: (703) 299-3700
Fax: (703) 299-3981
Email: paul.nathanson@usdoj.gov